

EXHIBIT D

February 28, 2013

Robert Aranda, Esq.
Law Offices of
Valenti, Campbell, Trohn, Tamayo & Aranda
1701 South Florida Avenue
Lakeland, Florida 33803

Re: *Chanda Hughes, et al. v. Grady Judd, Polk County Sheriff, and Corizon Health, Inc.*, U.S. Middle District Case No. 8:12-cv-00568-SDM-MAP

Dear Attorney Aranda,

Pursuant to your request for an independent forensic and correctional psychiatric review of nursing, medical and mental health, other correctional health screening, evaluation and treatment services, and other correctional records with an emphasis on the state of the mental health and psychiatric treatment at the Polk County Juvenile Detention Center/Polk County Jail, Bartow, Florida, for both juveniles detained as adults and juveniles detained under the juvenile system, the following evaluation was conducted. I reviewed the below listed materials to determine whether there was risk of harm to juveniles detained at the Polk County Juvenile Detention Facility/Polk County Jail. I opine that the Polk County Detention Center operates within generally accepted mental health/psychiatric practices so as to eliminate risk of harm to juveniles detained within the facility.

I reviewed the following documents:

1. Third Amended Complaint;
2. Daphne Glindmeyer, MD, Report, dated June 27, 2012;
3. Daphne Glindmeyer, MD, Report, dated January 31, 2013;
4. Department of Juvenile Justice and Polk County Sheriff's Office Training Comparison;
5. Polk County Sheriff's Office Training materials;
6. Correctional Medical Services, Inc.'s Nursing Protocols – 2011;
7. Correctional Medical Services, Inc.'s Administrative Manual;
8. Correctional Medical Services, Inc.'s Juvenile Policies Manual;
9. Polk County Department of Detention Directive 2.2 – Admitting and Processing Inmates;
10. Polk County Department of Detention Directive 7.1 – Overview of Medical Care Process;
11. Polk County Department of Detention Directive 11.13 – Guidelines for Use of Chemical Agents;

12. Florida Model Jail Standards;
13. Depositions:
Derek Zimmerman
Esther Morales
Dr. Timothy McCrae
Jennifer Allen
Leighann Jennings
Daphne Glindmeyer (8/17/12)
Daphne Glindmeyer (9/12/12)
Daphne Glindmeyer (2/14/13)
14. Medical records reviewed by Daphne Glindmeyer;
15. Chart of Protective Actions, 87 incidents listed by date, members, inmate names, and description of each occurrence;
16. National Commission on Correctional Health Care (NCCHC), Accreditation Report of the Health Care Services at Polk County Jail, Bartow, Florida, dated 11/16/12 and revised 1/8/13

In addition, the following scientific literature was utilized in the formation of this evaluator's opinions contained in this report, including but not limited to the following articles and publications:

1. Standards for Mental Health Services in Correctional Facilities, National Commission on Correctional Health Care, 2008
2. Standards for Health Services in Juvenile Detention and Confinement Facilities, National Commission on Correctional Health Care, 2011
3. Standards for Health Services in Jails, National Commission on Correctional Health Care, 2003
4. Policy Statement: Prescribing Psychoactive Medication for Children and Adolescents, Revised and approved by the American Academy of Child and Adolescent Psychiatry (AACAP) Council, September 20, 2001
5. Penn JV, Esposito CL, Schaeffer LE, Fritz GK, Spirito A. Suicide Attempts and Self-Mutilative Behavior in a Juvenile Correctional Facility *J Am Acad Child Adolesc Psychiatry* 2003; 7:762-769.
6. Zonfrillo MR, Penn JV, Leonard HL. Pediatric Psychotropic Polypharmacy. *Psychiatry* 2005; 8:14-19.
7. Penn JV, Thomas CR. AACAP Work Group on Quality Issues. Practice Parameter for the Assessment and Treatment of Youth in Juvenile Detention and Correctional Facilities. *J Am Acad Child Adolesc Psychiatry* 2005; 10:1085-1098.
8. Penn JV: Child and Adolescent Psychiatry. In R.J. Goldberg, *Practical Guide to the Care of the Psychiatric Patient*, 3rd Edition. Elsevier: Philadelphia, PA, 2007, pp 389-441.
9. Thomas CR, Penn JV: Juvenile Justice Mental Health Services, In *Child and Adolescent Psychiatric Clinics of North America*. Edited by Haller L. Philadelphia: WB Saunders, 2002, pp 731-748

10. Penn JV: Use of Psychotropic Medications with Incarcerated Youth. Standards for Health Services in Juvenile Detention and Confinement Facilities National Commission on Correctional Health Care, 2004, 263-265
11. Posttraumatic Stress Disorder in Litigation: R. Simon, Guidelines for Forensic Assessment, 2nd edition. American Psychiatric Publishing, Washington, DC, pp 19-118.
12. Cohen J, AACAP Work Group on Quality Issues. Practice Parameter for the Assessment and Treatment of PTSD. J Am Acad Child Adolesc Psychiatry 2010; 4:414-430.
13. AACAP Facts for Families, Posttraumatic Stress Disorder (PTSD). No. 70 March 2011
14. AACAP Glossary of Symptoms and Illnesses, Posttraumatic Stress Disorder (PTSD). 2010
15. American Psychiatric Association, Position Statement: Psychiatric Services in Jails and Prisons, 1988.

My qualifications are set forth in the Curriculum Vitae attached (see Exhibit "A").

A list of my depositions and trial testimony is attached (see Exhibit "B").

My fee schedule is attached (see Exhibit "C").

All my opinions are to a reasonable degree of medical and psychiatric certainty/probability.

Per my review of the above, it is my professional opinion that the Policies, Procedures and Standards utilized by the Polk County Detention Center for detained juveniles meets generally accepted standards for juvenile detention and are not deliberately indifferent to the psychiatric and/or mental health needs of the detained juveniles. The Policies, Procedures and Standards utilized by the Polk County Detention Center in connection with the use of chemical agents and/or isolation do not cause an undue risk of harm to juveniles detained at the facility and the respective use is not per se deliberately indifferent to the psychiatric and/or mental health wellbeing of the juveniles detained at the facility.

In addition to the above, I have reviewed the topics set forth by Dr. Daphne Glindmeyer in her January 31, 2013 and June 27, 2012 reports. These topics include:

1. Risk of Suicide;
2. Screening and Assessment;
3. Delay of Mental Health Treatment;
4. Access to Medical Care, including mental health;
5. Psychiatric resources;
6. Psychiatric evaluation;
7. Substance Abuse Treatment;
8. Informed Consent;
9. Monitoring of Psychotropic Medications;

**RE: Client Name
DOB: XX-XX-XXXX**

I. Fee schedule for providing expert services to your firm with reference to the above name matter:

- (A) Review of depositions, records, report, or other data.....375.00 pr/hr
- (B) Conference with attorney or others as required.....375.00 pr/hr
- (C) Deposition – testimony.....375.00 pr/hr
- (D) Psychiatric consultation with written report.....375.00 pr/hr
- (E) Testimony in court.....375.00 pr/hr
- (F) Research.....375.00 pr/hr

II. Billing for out-of-town cases will be \$3000.00 per day up to 8 hours per day. Travel expenses, meals and accommodations will be computed at actual rate.

III. It is hereby specifically agreed that payment of all fees and expenses as outlined herein are the full responsibility of the undersigned attorney and firm of which he/she may be a member, and payment is not contingent on any verdict or settlement of the above captioned matter.

IV. Please sign one copy of this agreement and return to this office. The original is for your records.

Joseph V. Penn, MD CCHP FAPA

Agreed & Accepted by

Attorney for firm

Name of law firm

Date _____